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FINAL TEXT OF A TREATY ON AN AFRICAN NUCLEAR-WEAPON-FREE ZONE

Note by the Secretary-General

The Secretary-General has received a letter dated 2 August 1995 from Ambassador Oluyemi Adeniji, Chairman of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone, informing him of the successful outcome of the Group's work.

Pursuant to the request contained in resolution 49/138, adopted by the General Assembly on 19 December 1994, the Secretary-General hereby submits to the Assembly the "Final Text of the African-Nuclear-Weapon-Free Zone Treaty".

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Annex

FINAL TEXT OF A TREATY ON AN AFRICAN NUCLEAR-WEAPON-FREE ZONE

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FOREWORD BY THE SECRETARY-GENERAL

Thirty-one years have passed since the leaders of Africa adopted in July 1964, at Cairo, the pioneering resolution of the First Ordinary Session of the OAU Summit, which declared Africa a denuclearized zone. That resolution has been reaffirmed by the General Assembly in the relevant resolutions it has adopted since December 1965.

I am gratified by the historic decision taken by the African Heads of State during the thirty-first Ordinary Session of the OAU Summit in June 1995 at Addis Ababa, whereby they adopted the Final text of the African Nuclear-Weapon-Free-Zone Treaty. The establishment of An African nuclear-weapon-free zone will advance global norms and contribute to efforts to prevent the proliferation of nuclear weapons and strengthen the international non-proliferation regime.

An African nuclear-weapon-free zone will also contribute greatly to the stride towards a world free from nuclear weapons. It is a promising example to others wishing to contribute to broadening the areas of the world from which nuclear weapons will be forever proscribed. I encourage the establishment of additional nuclear-weapon-free zones.

In an "Agenda for Peace", I have made it clear that the maintenance of international peace and security is a shared undertaking, a partnership between the United Nations and regional organizations and arrangements. In disarmament, the "globalization" of the subject means that it should be understood as a global enterprise, involving regional organizations, States and the international community as a whole. The African Nuclear-Weapon-Free-Zone Treaty has been prepared under "United Nations auspices" in cooperation with the Organization of African Unity (OAU). The United Nations stands ready to help its Member States to fulfil the wish of the international community to turn the logic of non-proliferation into concerted action.

The Treaty on the Non-Proliferation of Nuclear Weapons continues to provide an indisputable framework for the global non-proliferation efforts. I have already had occasion to refer to developments which demonstrate the interaction between global and regional dimensions of arms control and disarmament. It is my conviction that an African nuclear-weapon-free zone will enhance global as well as regional peace and security.

The year 1995 has already witnessed the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. There is no doubt that the historic decision of the African leaders to adopt the Final text of the African Nuclear-Weapon-Free-Zone Treaty would be a most welcome way to commemorate the Fiftieth Anniversary of the United Nations.

As we pay tribute to African leaders, let us not forget that the most safe, sure and swift way to deal with the threat of nuclear arms is to do away with them in every regard. This should be our vision of the future. No more testing. No more production. No more sales or transfers. Reduction and destruction of all nuclear weapons and the means to make them should be humanity's great common cause.

I wish to express my appreciation to the OAU/United Nations Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free-Zone Treaty for completing this important undertaking.

Letter of transmittal

2 August 1995

Sir,

I have the honour to refer to General Assembly resolution 49/138 of 19 December 1994 on the establishment of an African nuclear-weapon-free zone. In paragraph 9 of that resolution, the Assembly requests the Secretary-General, in consultation with the Organization of African Unity, to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet jointly with the Intergovernmental Group of Experts of the Organization of African Unity early in 1995 at Pretoria in order to finalize the drafting of a treaty on a nuclear-weapon-free zone in Africa, and to submit the text of the treaty to the General Assembly at its fiftieth session under the item entitled "Final text of a treaty on an African nuclear-weapon-free zone".

Following this resolution, the United Nations, in cooperation with the Organization of African Unity (OAU), organized the Joint Meeting of OAU/United Nations Group of Experts and the Intergovernmental Group of Experts to finalize the drafting of a treaty on a nuclear-weapon-free zone in Africa. The Joint Meeting was held at Johannesburg from 29 May to 2 June 1995.

I am pleased to inform your Excellency that the Joint Meeting adopted the Pelindaba text of the African Nuclear-Weapon-Free Zone Treaty. In my capacity as Chairman of the Meeting, I submitted the Pelindaba text to the Secretary-General of OAU, who in turn submitted it to the OAU Council of Ministers at its Sixty-second Ordinary Session held at Addis Ababa from 21 to 23 June 1995. After considering the Pelindaba text, the OAU Council of Ministers made some amendments and thereafter adopted resolution OAU CM/Res.1592 (LXII)/Rev.1. Subsequently, the Pelindaba text, as amended, was approved by the thirty-first Ordinary Session of the OAU Assembly of Heads of State and Government. Therefore, the text which I am submitting to your Excellency is the Pelindaba text as amended by the OAU Council of Ministers and subsequently approved by the OAU Assembly of Heads of State and Government.

At the opening session of the Joint Meeting, Mr. L. H. Evans, Director-General of the Department of Foreign Affairs of South Africa, delivered the keynote address. Statements were also made by Ambassador Oluyemi Adeniji, Chairman of the Group of Experts, Ambassador Ibrahima Sy, Representative of the Organization of African Unity to the United Nations, and by Mr. Sola Ogunbanwo, Chief Expert Adviser on the African Nuclear-Weapon-Free Zone. The closing session in Pelindaba was addressed by Dr. J. W. L. de Villiers, Chairman of the Atomic Energy Corporation of South Africa, Dr. W. E. Stumpf, Chief Executive of the Atomic Energy Corporation of South Africa, Ambassador Oluyemi Adeniji, Ambassador Ibrahima Sy, and by Mr. Sola Ogunbanwo.

The following experts took part in the Joint Meeting: Ambassador Oluyemi Adeniji, Chairman of the Group of Experts, Lagos; Ambassador Dr. Fathi Marei, Advisor on Arms Control to the Minister of Foreign Affairs, Cairo; Ambassador Abdelmahmoud Abdelhalim, Embassy of Sudan, Addis Ababa;

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Mr. Komi Menshah Afeto, Premier Conseiller, Permanent Mission of Togo to the United Nations, New York; Monsieur Sabri Boukadoum, Director, International Policy, Ministry of foreign Affairs, Algeria; Mr. P. Goosen, Minister (Disarmament), Permanent Mission of South Africa to the United Nations, Geneva, Switzerland; Mr. Essombe Edimo Joseph, First Secretary, Embassy of Cameroon, Addis Ababa; Mr. Kabouji Lukabu, Chargé d'affaires, Permanent Mission of Zaire to the United Nations, New York; Mrs. Liberata Mulamula, Counsellor, International Cooperation and Legal Affairs Department, Dar-es-Salaam; Mr. J. Nayeck, Second Secretary, Permanent Mission of Mauritius to the United Nations, New York; Mr. Arthur Pickering, Under-Secretary, Ministry of Foreign Affairs, Windhoek; Mr. Gift Punungwe, Chargé d'affaires, High Commission of Zimbabwe, Lagos; Ambassador Cheickh Sylla, Director, International Organizations Department, Ministry of Foreign Affairs, Dakar; Dr. Tilahun W. Selassie, General Manager of National Radiation Protection Authority, Science and Technology Commission, Addis Ababa; Ambassador Ibrahima Sy, Executive Secretary, Office of OAU, New York; and Colonel Gustave Zoula, Senior Military Officer, Military Unit, Conflict Division, Organization of African Unity, Addis Ababa.

Mr. Mohamed Elbaradei, Assistant Director-General for External Relations, International Atomic Energy Agency (IAEA), participated as an expert; and Ms. Bronte Moules, Alternative Representative on the Australian delegation to the Conference on Disarmament, participated as an expert observer from a party to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga).

The following representatives of the host Government attended the Meeting as observers: Mr. Johann Kellerman, Assistant-Director, Directorate, Disarmanent and Nuclear Matters, Department of Foreign Affairs, South Africa and Mr. Neville Whiting, Atomic Energy Corporation of South Africa.

At the request of the Group of Experts, the representatives of France, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed the Meeting, on 1 June. The representative of the Russian Federation addressed the Meeting on 2 June. The representative of China addressed a letter to the Group.

The members of the Group of Experts wish to express their appreciation for the assistance that they received from the staff members of the Secretariat of the United Nations. They wish, in particular, to convey their special thanks to the Secretary of the Group of Experts, Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Service Programme, who also participated as Chief Expert Adviser.

(Signed) Oluyemi ADENIJI
Ambassador
Chairman of the Group of Experts
to Prepare a Draft Treaty on an
African Nuclear-Weapon-Free Zone

PELINDABA TEXT OF THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY

The Parties to this Treaty

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity, (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/Res.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifty-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/Res.1342 (LIV) and CM/Res.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognising that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

Article 1

Definition/Usage of terms

For the purpose of this Treaty and its Protocols:

(a) "African nuclear-weapon-free zone" means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;

(b) "Territory" means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(e) "Nuclear installation" means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh

or irradiated nuclear material or significant quantities of radioactive materials are present.

(f) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2

Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3

Renunciation of nuclear explosive devices

Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

Article 4

Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights

remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5

Prohibition of testing of nuclear explosive devices

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of any nuclear explosive device;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6

Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive device that it has manufactured prior to the coming into force of this Treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;

(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7

Prohibition of dumping of radioactive wastes

Each Party undertakes:

(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8

Peaceful nuclear activities

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agrement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9

Verification of Peaceful Uses

Each Party undertakes:

(a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;

(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10

Physical protection of nuclear materials and facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, inter alia, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11

Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12

Mechanism for compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission on Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.

2. The Commission shall be responsible inter alia for:

(a) Collating the reports and the exchange of information as provided for in article 13;

(b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty'

(c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;

(d) Bringing into effect the complaints procedure elaborated in annex IV;

(e) Encouraging regional and sub-regional programmes for cooperation in the peaceful uses of nuclear science and technology;

(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.

3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13

Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.

2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.

3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14

Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, inter alia, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.

2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15

Interpretation of the Treaty

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16

Reservations

This Treaty shall not be subject to reservations.

Article 17

Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18

Signature, ratification and entry into force

1. This Treaty shall be open for signature by any State in the African nuclear-weapon-free zone. It shall be subject to ratification.

2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.

3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19

Amendments

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.

3. An amendment so adopted shall enter into force for all parties after receipt by the Depositary of the instrument of ratification by the majority of Parties.

Article 20

Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.

2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other parties.

Article 21

Depositary functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depositary of the Treaty.

2. The Depositary shall:

(a) Receive instruments of ratification;

(b) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations;

(c) Transmit certified copies of the Treaty and its Protocols to all States in the African nuclear-weapon-free zone and to all States eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22

Status of the annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Treaty.

Done at _____

ANNEX I

Annex I - Map of an African Nuclear-Weapon-Free Zone

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ANNEX II

Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

ANNEX III

African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to include Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4. (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

ANNEX IV

Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

   (a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

   (b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

   (c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;

   (d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

   (e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out

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relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

PROTOCOL I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

(a) Any Party to the Treaty; or

(b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at _____

PROTOCOL II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

/..

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Done at _____

PROTOCOL III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorized by their Governments have signed this Protocol.

Done at _____

Appendix

CM/Res.1592 (LXII)/Rev.1

RESOLUTION ON THE IMPLEMENTATION OF THE TREATY DECLARING AFRICA A NUCLEAR-WEAPON-FREE ZONE

The Council of Ministers of the Organization of African Unity, meeting in its Sixty-second Ordinary Session in Addis Ababa, Ethiopia, from 21 to 23 June 1995,

Recalling resolution AHG/Res.11 (I) on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government in Cairo, in 1964,

Reaffirming its previous resolutions on global disarmament and the denuclearization of Africa, namely: resolutions CM/Res.3 (I), CM/Res.28 (II), CM/Res.718 (XXXIII), CM/Res.1101 (LVI)/Rev.1, CM/Res.1342 (LIV) and CM/Res.1395 (LVI),

Further recalling its resolution CM/Res.1529 (LX) requesting the Secretary-General to convene a joint meeting of the OAU Intergovernmental Experts' Group and the OAU/UN Experts' Group to study the draft Treaty and submit to it a final report thereon,

Bearing in mind relevant United Nations resolutions on this issue,

Recognizing that the establishment of nuclear-weapon-free zones contribute to strengthening the international non-proliferation regime,

Aware of the offer of the Government of the Arab Republic of Egypt to host the signing ceremony, and that of the Republic of South Africa to host the Headquarters of the African Nuclear Energy Commission,

Considering the fact that the joint meeting of the two Experts' Groups has taken place in Johannesburg (South Africa) from 29 May-2 June 1995, and that the final text of the draft Pelindaba Treaty Declaring Africa a Nuclear Free Zone was tabled at the session,

Having considered and amended the report of the Experts as well as the Draft Pelindaba Treaty as contained in document CM/318 (LXII),

Taking into account that the text under consideration had taken into account the comments and observations of OAU Member States:

1. Takes note and endorses the report of the joint meeting of the OAU Intergovernmental Experts' Group and the OAU/UN Experts Group as contained in document CM/318 (LXII) and as amended subsequently;

2. Agrees that the application of the African Nuclear-Weapon-Free-Zone should be without prejudice to the territorial integrity and sovereignty of OAU Member States;

/...

3. Expresses its profound gratitude and appreciation to the Government and people of South Africa for having hosted the said meeting;

4. Expresses gratitude to the United Nations for its technical support and financial assistance towards the organization of the joint experts' meeting;

5. Considers that the establishment of nuclear-weapon-free zones, especially in the Middle East, would enhance the security of Africa and viability of the African Nuclear-Weapon-Free Zone;

6. Endorses the offer of the Egyptian Government to host the signing ceremony, and that of the South African Government to host the Headquarters of the African Nuclear Energy Commission, and expresses gratitude to both Governments;

7. Decides to submit the draft Pelindaba Treaty, as formulated by the OAU/UN Group of Experts Declaring Africa a Nuclear Free Zone and as amended to the 31st Ordinary Session of the Assembly of Heads of State and Government for adoption;

8. Launches an appeal to the international community and, in particular, the nuclear-weapon States to bring the necessary support to the amended Pelindaba Treaty, especially by their accession to the Protocols that concern them;

9. Requests the Secretary-General to report to the 63rd Ordinary Session of the Council of Ministers on the implementation of this resolution.